



Safety, Rehabilitation and Compensation (Defence-related Claims) (Defence, Veterans' and Families' Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023

The Military Rehabilitation and Compensation Commission, under section 41B of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*, makes the following instrument.

Dated 30 June 2023

The Seal of the
Military Rehabilitation and Compensation Commission
was affixed to this instrument
in the presence of:

Alison Frame
Chair

Kate Pope
PSM
Member

Donald Spinks
AM
Member

~~Gwen Cherne~~
Member

Greg Vines
Acting Member

Wade Stothart
DSC AM CSC
Member

1 Name

This instrument is the *Safety, Rehabilitation and Compensation (Defence related Claims) (Defence, Veterans' and Families' Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023*.

2 Commencement

This instrument commences 1 July 2023.

3 Authority

This instrument is made under section 41B of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

4 Schedule

The instrument that is specified in the Schedule to this instrument is amended as set out in the applicable items in the Schedule, and any item has effect according to its terms.

Schedule 1—Amendments

Safety, Rehabilitation and Compensation (Defence related Claims) (Defence, Veterans' and Families' Acute Support Package) Instrument 2022

1 Section 4

Repeal the section, substitute:

4 Simplified outline of this instrument

The Military Rehabilitation and Compensation Commission (the *MRCC*) may grant an acute support package to a person who is:

- (a) an employee; or
- (b) the spouse of a deceased employee; or
- (c) the former spouse of an employee; or
- (d) a related person of an employee; or
- (e) a parent or step-parent of a deceased employee, or a parent or step-parent of another person who was the spouse of an employee at any time before the employee's death;

if the person meets certain eligibility criteria and the MRCC is satisfied that it is appropriate to grant the package to assist the person to adjust to new and challenging life circumstances (section 6).

The MRCC must prepare a support plan for the person that outlines, among other things, the persons who will be provided with assistance or benefits under the support plan, the kinds of assistance or benefits that will be provided, and the periods during which the assistance or benefits will be provided (section 7). The support plan may be varied or revoked by the MRCC in the circumstances outlined in section 8.

Under an acute support package, assistance or benefits may be provided in the circumstances outlined in section 9. Additional counselling (section 10) and additional assistance or benefits in relation to children attending, or not yet attending, primary school may also be provided to certain persons (section 11).

2 Section 5, after definition of *acute support package*

Add:

related person: see subsection 4(1) of the Act.

3 Subsection 6(1)

Omit “or (4)”, insert “, (4), (5) or (6)”.

4 At the end of subsection 6(4)

Add:

Related persons

- (5) A person is covered by this subsection if the following criteria are satisfied:
- (a) the person is a related person of the employee;
 - (b) the employee is under 65 years of age at the time the person’s eligibility for an acute support package is determined;
 - (c) the employee is receiving, or is eligible to receive, compensation under Division 3 of Part II of the Act;
 - (d) the MRCC is satisfied that the person is experiencing, or is at risk of experiencing, crisis;
 - (e) the MRCC is satisfied that the crisis, or the risk of experiencing, crisis, is:
 - (i) impacting or involving the employee; or
 - (ii) connected to the employee’s wellbeing.

Parents or step-parents in relation to a deceased employee, etc, who are parenting a child of the deceased employee under 18 years

- (6) A person is covered by this subsection if the following criteria are satisfied:
- (a) the person is a parent or step-parent of:
 - (i) a deceased employee; or
 - (ii) another person who was the spouse of an employee at any time before the employee’s death;
 - (b) the deceased employee’s death occurred no more than 2 years before the day the person’s eligibility for an acute support package is determined;
 - (c) the deceased employee’s death resulted from injury;
 - (d) either:
 - (i) the injury arose out of or occurred in the course of the employee’s employment; or
 - (ii) the MRCC is satisfied that the deceased employee’s death was a suicide that arose out of or occurred in the course of the employee’s employment;
 - (e) the MRCC is satisfied that the person is parenting a child of the deceased employee;
 - (f) at the time the person’s eligibility for the package is determined, the child is under 18 years;
 - (g) the MRCC is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

5 Paragraph 7(3)(b)

Repeal the paragraph:

6 At the end of paragraph 7(3)(d)

Add:

or

- (e) if the package has been granted to a person who is a parent or step-parent of a deceased employee, or to a person who is a parent or step-parent of another person who was the spouse of an employee at any time before the employee's death; and
 - (i) the MRCC is satisfied that the person is parenting a child of the deceased employee who is under 18; and
 - (ii) the MRCC is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

7 Paragraph 8(3)(a)

Repeal the paragraph, substitute:

(a) either:

- (i) if the support plan was prepared for an employee—the MRCC is satisfied that the employee is no longer experiencing, or is no longer at risk of experiencing, crisis; or
- (ii) if the support plan was prepared for a person mentioned in subsections 6(3) to (6)—the MRCC is satisfied that the person is no longer experiencing, or is no longer at risk of experiencing, crisis; or

8 Paragraph 9(1)(a)

Omit “or former spouse of an employee”, substitute “, former spouse of an employee or a related person of an employee”.

9 At the end of paragraph 9(1)(b)

Add:

and

- (c) for a support plan prepared for a person who is a parent or step-parent of a deceased employee, or a person who is a parent or step-parent of another person who was the spouse of an employee at any time before the employee's death—a maximum of \$27,835 every 12 months for a continuous 24 month period starting on the day the support plan comes into effect.

10 Paragraph 9(2)(a)

Repeal the paragraph, substitute:

- (a) for a support plan prepared for an employee, former spouse of an employee, or a related person of an employee—the earlier of:
 - (i) the end of the further 12 month period referred to in subparagraph (1)(a)(ii); or
 - (ii) the end of a 48 month period starting on the day the support plan comes into effect; or

11 Paragraph 9(2)(b)

After “employee”, insert “, a person who is a parent or step-parent of a deceased employee, or a person who is a parent or step-parent of another person who was the spouse of an employee at any time before the employee’s death”.

12 Subsection 10(1)

Omit “employee or former spouse of an employee”, substitute “employee, former spouse of an employee or a related person of an employee”.